

Franklin County Prosecutor Ron O'Brien had suggested that Mr. Damschroder be fired. He would not confirm yesterday that an investigation was under way.

According to Mr. Damschroder, political consultant Pasquale "Pat" Gallina, who works for consultants Celebrezze & Associates, walked uninvited into his office in January, 2004, on the day the board was considering a contract for voter-registration software. He offered to make out a check to him on the spot.

Mr. Damschroder said he instead accepted a "voluntary" contribution to the county GOP. A former executive director for the party, Mr. Damschroder accepted the check even though the law prohibits using government property for political business.

"I don't believe I committed a crime," he said. "I think I did something that would best be described as a lapse of judgment and clearly in the gray area . . . The biggest thing I wish I had done was throw the guy out on that day he came in and certainly not have taken physical receipt of the contribution."

The county has joined the ES&S lawsuit, which seeks to break Diebold's monopoly on touch-screen machines available to counties.

Celebrezze & Associates is on a monthly retainer for Diebold.

"Any contribution he made was on behalf of Celebrezze & Associates and of his own volition," said Diebold spokesman Mike Jacobson. "Diebold had no knowledge of any such contribution."

"Diebold does not condone any political contributions made on its behalf, implied or otherwise," he said. "In particular, our company's ethics policy restricts political contributions since June, 2004."

That policy was, in part, a reaction to a letter authored by Walden O'Dell, chief executive officer of Diebold, Inc., of North Canton, Ohio. In the letter, Mr. O'Dell promised to help deliver Ohio to President George Bush, triggering a firestorm during the presidential election campaign.

The Lucas County Board of Elections has selected Diebold to supply its touch-screen machines. A review of filings with the county elections bureau by the county Republican and Democratic parties revealed no contributions from Mr. Gallina.

In a phone conversation that took place a year after the contribution to the party, Mr. Damschroder said Mr. Gallina bragged that he had been given \$50,000 to Blackwell interests and worked with Blackwell campaign adviser Norm Cummings to position Diebold for state business.

"I have never asked, accepted, received, or was offered any money [from Mr. Gallina], period," Mr. Cummings said.

Mr. Gallina, of Reynoldsburg, could not be reached for comment, but he told the Associated Press there was no \$50,000 contribution for Mr. Blackwell and that the \$10,000 to the county party was his own money.

Mr. Gallina has given a total of \$8,000 to Mr. Blackwell's campaigns since 1998, according to records filed with the secretary of state. Also in January, 2004, he gave \$10,000 to Citizens for Tax Reform, a Blackwell-backed group that unsuccessfully sought to force repeal of a temporary penny-on-the-dollar sales-tax surcharge enacted in 2003.

Blackwell spokesman Carlo LoParo said Mr. Blackwell made several decisions adverse to Diebold, negotiating contracts at first with four manufacturers of touch-screen and optical-scan voting machines to give counties a menu from which to choose.

Later, after lawmakers enacted the requirement for the voter-verified paper audit trail, Mr. Blackwell took all touch-screen devices, including Diebold's, off the table because none had been certified as meeting the new mandate.

Mr. Blackwell later reversed position when Diebold's receipt-equipped machine won federal and state approval.

"It wasn't the secretary of state who forwarded the VVPAT requirement," Mr. LoParo said. "It wasn't the secretary of state who prevented vendors from meeting that requirement. From the beginning, this process has been transparent and fair."

Sen. Teresa Fedor (D., Toledo) yesterday urged U.S. Attorney Gregory White to investigate Mr. Blackwell's dealing with Diebold. "We need to get to the bottom of this," she said. "I don't care if it was \$50,000 or \$5, you're not supposed to be able to buy influence in America."

Mr. Damschroder said the loss of 30 days' pay will cost him \$11,220. William Anthony, Jr., chairman of the Franklin County elections board and that county's Democratic Party, said the board believes there was no criminal intent on Mr. Damschroder's part.

As for Mr. Gallina, Mr. Anthony said, "If somebody gives you a check for \$10,000, I guess they would want something."

THE OHIO STATE SENATE,
Cleveland, Ohio, June 18, 2005.

GREGORY WHITE, Esq.,
Assistant U.S. Attorney, Office of the U.S. Attorney, Cleveland, Ohio.

DEAR ATTORNEY WHITE: I am contacting you to ask that you be in a formal investigation of Ohio Secretary of State J. Kenneth Blackwell and his cabinet regarding possible violations of the federal law, including, but not limited to, The Hobbs Act, 18 U.S.C. Sec. 1951. Questions have been raised by both The Columbus Dispatch and The Cleveland Plain Dealer regarding possible improper dealings between the Secretary of State's office and Diebold Election Systems and/or their agents.

The Hobbs Act was meant to prohibit corruption by elected officials. As you know, the Act prohibits "obtaining the property from another, with his consent . . . under color of official right," 18 U.S.C. Sec. 1951(b)(2). The United States Supreme Court has held that an elected official violates the Hobbs Act if the "public official has obtained a payment to which he was not entitled, knowing that the payment was made in return for official acts." *Evans v. United States*, 112 S. Ct. 1881, 1889 (1992). The Court went on to say that "the offense is completed at the time when the public official receives a payment in return for his agreement to perform specific official acts; fulfillment of the quid pro quo is not an element of the offense." *Id.*

According to Franklin County Board of Elections Executive Director Matthew Damschroder, officials or agents of Diebold Election Systems, including lobbyist Pasquale Gallina, allegedly made a deal with Secretary of State Blackwell, and/or his associates, that Diebold would receive a substantial or exclusive rights to supply electronic voting machines to the State of Ohio in exchange for a substantial donation to "Blackwell's political interests." If this is, in fact, what happened, it appears to be a clear violation of federal law. Even if no quid pro quo existed, Mr. Gallina's alleged \$10,000 payment to "Citizens for Tax Repeal," of which Blackwell is Honorary Chair, raises significant conflict of interest questions.

Because of the gravity of these "pay-to-play" allegations, I urge your office to fully investigate to determine whether Mr. Blackwell violated federal law by accepting campaign contributions in exchange for official acts. This immediate investigation is necessary to fully protect the taxpayers of Ohio and the sanctity of government procurement in the State. If these allegations are true, no business in the country can

trust that they will have fair dealings with Ohio. Thank you for your attention to this important matter and please do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

TERESA FEDOR,
State Senator, 11th District.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JOE WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, in the last few weeks, once again, there has been no shortage of a man named Mr. Joe Wilson on television. Who is Mr. Joe Wilson? Why would he want to use false claims to attack this Bush administration?

Mr. Joe Wilson endorsed Senator JOHN KERRY in October of 2003. According to media sources, Mr. Joe Wilson contributed \$2,000 to the Kerry campaign in the same year. The Boston Globe has reported that Mr. Wilson spoke to the Kerry campaign at least once a week during the campaign.

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Well, he himself has even said that he advised the Kerry campaign on foreign policy. So now this Kerry supporter and adviser is on television pointing fingers at the administration he despises.

Now, during my tenure as a judge, credibility of witnesses could usually be judged by seeking to learn if the witness had a bias. Obviously this witness has quite a bias. It has also been reported that he and his wife supported Albert Gore for President against George W. Bush in 2000. The motive for bias seems to deepen.

The press has reported Mr. Joe Wilson was, in fact, the last U.S. diplomat to meet with Saddam Hussein in 1991. He was also the envoy sent to Africa to investigate reports that the Iraqi President had tried to buy nuclear material there. Was it possible he hated President Bush so much that it got in the way of his ability to assess the facts and actions and motives of his old acquaintance, Mr. Saddam Hussein?

Perhaps his intentions were loyal to the security of the United States in 1991, but if that is the case, while serving as an official envoy to Niger, as he claims, it appears he brazenly spoke out publicly against our own administration.

The Senate Intelligence Committee found that Mr. Wilson's report, "rather than debunking intelligence about purported uranium sales to Iraq, actually